

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CLEMMIE JOHNSON,

Plaintiff,

v.

CAPTAIN DUNAHAY,
SGT. TREVASKIS, and
JOHN DOE,

Defendants.

OPINION and ORDER

Case No. 17-cv-941-wmc

Pro se plaintiff Clemmie Johnson is proceeding in this lawsuit against defendants Captain Dunahay, Sergeant Trevaskis and Sergeant John Doe, all employees at Jackson Correctional Institution (“JCI”), for their involvement in allegedly subjecting him to unconstitutional conditions of confinement between September 7 and 13 of 2017, when he was placed on clinical observation status and did not have access to toilet paper or adequate clothing. Johnson has filed a motion to compel (dkt. 28), which I’m denying.

Johnson asks the court to compel defendants to produce documents he had requested pursuant to Federal Rule of Civil Procedure 34. Defendants respond that while Johnson filed his requests with the court, Johnson never served them on the defendants. As explained in the preliminary pretrial conference order (6/28/2-19 dkt. (22) 10), this court does not want the parties to file their discovery material; rather, discovery requests need to be sent directly to defendants’ counsel. More importantly, defendants also represent that Johnson never attempted to resolve this discovery dispute with them, either with a letter or request for a phone call. Johnson does not dispute these representations.

Accordingly, since there is no indication that defendants are failing to respond to proper discovery requests, I am denying Johnson's motion. Johnson must serve his discovery requests on the *defendants*. Then, if defendants fail to respond appropriately, and if subsequent attempts at resolution fail, then Johnson may file a motion to compel discovery. to resolve the dispute informally with them.

ORDER

IT IS ORDERED that plaintiff Clemmie Johnson's motion to compel (dkt. 28) is DENIED.

Entered this 9th day of December, 2019.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge